

TABLE OF CONTENTS

| | |
|--|-----------|
| ACKNOWLEDGMENTS..... | V |
| COPYRIGHT ACKNOWLEDGMENTS | VII |
| INTRODUCTION | IX |
| FAMILY LAW SKILLS MATRIX | XVII |
| Chapter One. Practicing Family Law | 1 |
| I. Introduction | 1 |
| II. Satisfying and Sustainable Careers in Family Law | 1 |
| III. The Family Court System..... | 3 |
| IV. Using Forms and Drafting Pleadings | 5 |
| V. Understanding Cultural Differences | 6 |
| A. Case File—Hector González | 7 |
| 1. Simulation Roadmap | 7 |
| 2. Initial Client Consultation Memorandum | 8 |
| B. The Simulation—Cultural Competencies in Client Counseling..... | 12 |
| VI. Knowledge of Related Disciplines and Areas of Law | 13 |
| VII. <i>Pro Se</i> Litigants..... | 13 |
| VIII. Common Ethical Issues—Conflicts of Interest..... | 14 |
| Chapter Two. Family Dissolution | 17 |
| I. Introduction | 17 |
| II. Overview of the Law | 19 |
| III. Legal Separation: Case File—Gabriella Smith | 22 |
| A. Simulation Roadmap..... | 22 |
| B. Initial Consultation Notes and Client File | 22 |
| C. Relevant Statutory Law and Practice Guidance | 26 |
| 1. New York State Statute | 26 |
| 2. American Jurisprudence—Alimony and Separation Agreements..... | 28 |
| D. The Simulation | 34 |
| 1. Interviewing the Client | 34 |
| 2. Drafting a Separation Agreement | 34 |
| IV. Dissolution of a Marriage: Case File—Adrienne Scott | 34 |
| A. Simulation Roadmap..... | 34 |
| B. Client Interview Notes | 35 |
| C. Relevant Statutory Laws and Practice Guidance | 38 |
| 1. Texas Family Code | 38 |
| 2. American Jurisprudence—Divorce and Separation | 43 |
| D. The Simulation | 44 |
| 1. Drafting a Petition for Divorce and Suit Affecting Parent Child Relationship..... | 44 |
| Chapter Three. Intimate Partner Violence | 45 |
| I. Introduction | 45 |
| II. Overview of the Law | 46 |
| A. Family Violence Courts..... | 47 |
| B. Intimate Partner Violence and Intersections with Other Laws..... | 48 |
| C. Client Resources | 49 |
| D. Child Protection Issues | 51 |

| | | |
|--|--|------------|
| III. | Case File—Eileen Thompson v. Zachery Thompson..... | 52 |
| | A. Simulation Roadmap..... | 52 |
| | B. Memo to the File..... | 52 |
| IV. | Relevant Statutory Law..... | 53 |
| | A. Texas Family Code..... | 53 |
| V. | The Simulation..... | 58 |
| | A. Drafting the Affidavit in Support of Ex Parte Relief..... | 58 |
| | B. Drafting an Application for Protective Order..... | 59 |
| Chapter Four. Establishment of Parentage..... | | 61 |
| I. | Introduction..... | 61 |
| II. | Overview of the Law..... | 62 |
| III. | Establishing Paternity—Case File: Hector González..... | 66 |
| | A. Simulation Roadmap..... | 66 |
| | B. Client Interview Notes..... | 66 |
| | C. Relevant Statutory Law and Practice Guidance..... | 67 |
| | 1. Texas Family Code..... | 67 |
| | D. The Simulation Assignment—Drafting a Petition to Establish Paternity..... | 75 |
| IV. | Establishing Parentage—Case File: David Smith..... | 76 |
| | A. Simulation Roadmap..... | 76 |
| | B. Surrogacy Documents..... | 76 |
| | C. Relevant Statutory Law..... | 83 |
| | 1. California Family Code..... | 83 |
| | D. The Simulation—Drafting a Petition for Declaration of Parentage..... | 86 |
| Chapter Five. Child Custody and Visitation..... | | 87 |
| I. | Introduction..... | 87 |
| II. | Overview of the Law..... | 88 |
| III. | Case File—Katrina Fletcher..... | 92 |
| | A. Simulation Roadmap..... | 92 |
| | B. Intake Interview..... | 92 |
| IV. | Relevant Statutory Law and Practice Guidance..... | 95 |
| | A. Florida Statute—Initial Child Custody Jurisdiction..... | 95 |
| | B. Practice Guidance..... | 99 |
| V. | The Simulation..... | 101 |
| | A. Drafting a Client Letter..... | 101 |
| | B. Drafting a Motion for Temporary Custody..... | 102 |
| | C. Preparing a Discovery Strategy..... | 102 |
| Chapter Six. Child Support..... | | 105 |
| I. | Introduction..... | 105 |
| II. | Overview of the Law..... | 106 |
| III. | Case File—Marlene Gomez..... | 108 |
| | A. Simulation Roadmap..... | 108 |
| | B. Client Intake Memorandum..... | 109 |
| | C. Memorandum from Paralegal..... | 110 |
| | D. Client’s Forwarded Email..... | 111 |
| | E. School Correspondence..... | 112 |
| IV. | Relevant Statutory Law and Practice Guidance..... | 113 |
| | A. New York State Child Support Chart..... | 113 |
| | B. New York State Child Support Worksheet..... | 114 |
| | C. New York State Child Support Statute..... | 115 |
| | D. U.S. Army Regulation 608–99..... | 116 |

| | | |
|---|--|------------|
| V. | The Simulation | 118 |
| A. | Petitioning for Child Support | 118 |
| B. | Preparing for a Hearing | 120 |
| C. | Counseling the Client | 120 |
| Chapter Seven. Property Distribution and Alimony | | 121 |
| I. | Introduction | 121 |
| II. | Overview of the Law | 122 |
| III. | Case File—Cody Williams v. Sarah Williams | 125 |
| A. | Simulation Roadmap | 125 |
| B. | Partner Email to Associate and Attachments | 125 |
| C. | Client Voice Mail | 129 |
| IV. | Relevant Statutory Law and Practice Guidance | 130 |
| A. | Ohio Statute—Property Distribution | 130 |
| B. | Ohio Statute—Alimony | 133 |
| C. | Affidavit of Income and Expenses | 135 |
| D. | Practice Guidance | 142 |
| E. | Law Firm Billable Time Sheet | 143 |
| V. | The Simulation | 144 |
| A. | Drafting an Affidavit | 144 |
| B. | Selecting an Expert Witness | 144 |
| C. | Researching Case Law | 144 |
| D. | Counseling the Client | 144 |
| E. | Tracking Attorney Time | 144 |
| Chapter Eight. Negotiation | | 147 |
| I. | Introduction | 147 |
| II. | Overview of the Law | 148 |
| III. | Case File—Cody Williams v. Sarah Williams | 149 |
| A. | Simulation Roadmap | 149 |
| B. | Client Intake Memo | 149 |
| IV. | Relevant Statutory Law and Practice Guidance | 150 |
| A. | Ohio Statutes | 150 |
| B. | Practice Guidance—Child Custody Practice and Procedure | 154 |
| C. | Ohio Sample Parenting Plan Schedules | 155 |
| V. | The Simulation | 159 |
| A. | Negotiating a Parenting Plan | 159 |
| Chapter Nine. Mediation | | 163 |
| I. | Introduction | 163 |
| II. | Overview of the Law | 163 |
| III. | Case File—Paula Jones v. Kelvin Jones | 164 |
| A. | Simulation Roadmap | 164 |
| B. | Mediator Memorandum | 165 |
| IV. | Governing Sources | 166 |
| A. | Guidelines for Mediation | 167 |
| B. | Mediator Skills Checklist | 167 |
| V. | The Simulation | 169 |
| A. | Mediation Role-Play | 169 |
| B. | Drafting a Mediation Plan Memorandum | 169 |
| C. | Mediation Documents | 170 |

| | |
|---|------------|
| Chapter Ten. Final Orders | 175 |
| I. Introduction | 175 |
| II. Overview of the Law | 175 |
| III. Case File—Katrina Fletcher v. Michelle Santos | 177 |
| A. Simulation Roadmap | 177 |
| B. Trial Notes | 177 |
| IV. The Simulation | 179 |
| A. Preparing a Final Order..... | 179 |
| B. Drafting an Income Withholding Order for Child Support | 189 |
| | |
| Chapter Eleven. Cohabitation and Premarital Agreements | 191 |
| I. Introduction | 191 |
| II. Overview of the Law | 191 |
| III. Cohabitation Agreement: Case File—Julius Walker..... | 194 |
| A. Simulation Roadmap | 194 |
| B. Memorandum from Client with Attachment | 194 |
| C. Relevant Statutory Law and Practice Guidance | 199 |
| D. The Simulation—Reviewing a Cohabitation Agreement..... | 201 |
| IV. Premarital Agreement: Case File—Scott Grambling | 202 |
| A. Simulation Roadmap | 202 |
| B. Client Interview Notes | 202 |
| C. Relevant Statutory Law and Practice Guidance | 203 |
| 1. California Statute Adopting Uniform Premarital Agreement Act | 203 |
| 2. American Jurisprudence—Prenuptial Agreements | 206 |
| D. The Simulation—Drafting a Premarital Agreement | 207 |